

# **TENNESSEE BOARD OF FUNERAL DIRECTORS AND EMBALMERS**

## **MINUTES OF BOARD MEETING**

**MAY 10, 2005**

In the absence of President Bob Arrington, Vice President Danny Cook called the meeting to order at 10:01 a.m. in Conference Room 160, Davy Crockett Tower, Nashville, Tennessee.

Board members present were Danny Cook, Vice President, Ralph Buckner, Jr., Bob Foster, Wendy Hellum, Stephen Murphy and Nancy Vincent. Absent was Bob Arrington, President.

Staff members present were Robert Gribble, Executive Director, Ernest Sykes, Jr., Legal Counsel, Bill Luna, Jimmy Kesey and Roy Bozeman, Field Representatives and Sandra Cooper and Jimmy Gossett, Administrative Assistants.

By consent, the Board deferred approval of the February 8<sup>th</sup> minutes.

### **APPROVAL OF FUNERAL DIRECTOR LICENSE:**

Upon motion, based upon the application records, the following applicant was approved for licensure.

**Jesse Benjamin Hedges  
Paris, TN**

**Funeral Director**

### **APPROVAL OF ESTABLISHMENT LICENSES:**

Upon motion, based upon the application records, the following applicants were approved for licensure.

**Fike Funeral Home  
Cleveland, TN**

**Change of Ownership/Name Change  
Ownership: LLC**

**H.C. Jett/H.C. Ford & Son Funeral Home  
Collierville, TN**

**Change of Ownership/Name Change  
Ownership: Sole Proprietorship**

**H.C. Jett/H.C. Ford & Son Funeral Home  
Memphis, TN**

**Change of Ownership  
Ownership: Sole Proprietorship**

**Brentwood-Roesch-Patton Funeral Home  
Brentwood, TN**

**Name Change  
Ownership: Corporation**

**Woodlawn-Roesch-Patton Funeral Home  
Nashville, TN**

**Name Change  
Ownership: Corporation**

**LEGAL REPORT:**  
**ERNEST SYKES, JR., STAFF ATTORNEY**

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**1. L05-FUN-RBS-2005010121**

Respondent, a licensed funeral director, is alleged to have practiced embalming without a license. He allegedly has done so on a number of occasions. Respondent has agreed through his legal counsel to a suspension of his funeral director's license for a period of eighteen (18) months and to pay a civil penalty of \$1,800. Per the proposed agreement, Respondent will pay the civil penalty in installments according to this schedule: \$600 due with the executed Consent Order, \$600 due six months later, and the final \$600 due one year from the effective date of the Consent Order. Discussions with Respondent's counsel have revealed that Respondent has strictly limited funds.

**Recommendation:** Consent Order

A motion was made by Mr. Buckner to accept counsel's recommendation and add a probation period of eighteen (18) months after the end of the license suspension.

Seconded by Mr. Murphy

Adopted by voice vote with one voicing opposition, Ms. Helling

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**2. L05-FUN-RBS-2005013011**

Complainant alleges that she was overcharged for the services which Respondent provided for her husband's funeral, and she feels as if the funeral director then pressured her about paying the bill. Subsequent to the complaint being filed, the funeral establishment admitted that there had been errors in the original bill, and it sent the complainant a new bill which removed certain charges. Complainant is not satisfied with that action, and she opines that the Respondent's alleged harassment concerning the original bill contributed to her health problems.

**Recommendation:** Letter of Caution

A motion was made by Ms. Helling to accept counsel's recommendation.

Seconded by Mr. Buckner

Adopted by voice vote

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**3. L05-FUN-RBS-2005005181**

Complainant expresses dissatisfaction with the amount of interest which has accrued on a pre-need funeral services agreement she originally purchased from

Respondent funeral home approximately twenty years ago. Complainant requests that the Board require the funeral home to provide her with copies of all statements, books, records and accounts pertaining to the agreement. The Board's disciplinary powers against a licensee, which are set forth in Tenn. Code Ann. § 62-5-317, do not include mandating a funeral establishment to turn over bank records to a complainant. In any event, the Respondent has provided Board staff with the requested documentation, thereby making it a matter of public record. The Board staff will forward those materials to the complainant.

**Recommendation:** Dismiss

A motion was made by Mr. Foster to accept counsel's recommendation.

Seconded by Mr. Murphy

Adopted by voice vote

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**4. L05-FUN-RBS-2005007541**

Gravesite of complainant's mother is not marked. The burial took place nine years ago. Complainant, who has forgotten the precise location of her mother's gravesite, alleges that Respondent funeral home is liable for failing to keep record of the location. The funeral home does not – and is not by law required to – keep records of gravesites in the cemetery.

**Recommendation:** Dismiss

A motion was made by Mr. Foster to accept counsel's recommendation.

Seconded by Ms. Vincent

Adopted by voice vote

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**5. L05-FUN-RBS-2005010541**

Anonymous complainant objects to a phone book advertisement which describes Respondent funeral home as "Family Operated," because the family that used to own the establishment (and which the establishment is named after) sold it to a corporation some years ago. Respondent points out that while the named family no longer owns the establishment, family members do in fact still operate it. The Managing Partner, for example, is a member of the family after whom the establishment is named. Based on the wording of the ad, I do not believe there was any violation in the first place. Nevertheless, Respondent has chosen to omit the words "family operated" from its ad in the most recent phone book publication. This complaint has no merit.

**Recommendation:** Dismiss

A motion was made by Ms. Hellum to accept counsel's recommendation.

Seconded by Mr. Foster

Adopted by voice vote

**STAFF REPORT:**  
**ROBERT B. GRIBBLE, EXECUTIVE DIRECTOR**

**1. Business Cards for Board Members**

Per instructions of Robert Gowan, Assistant Commissioner for Regulatory Boards, the Division no longer prints business cards for board members nor will assist board members in getting business cards printed, i.e. by providing a copy of the state seal.

**2. Disciplinary Actions – Citations:**

The Consent Orders have been signed and the civil penalties paid by the establishments. The Executive Director requests the Board's acceptance and approval of the following Consent Orders.

**Respondent:** Waters Funeral Home, Inc., Franklin, TN

**Violation:** Strict specifications of price disclosures and records subject to inspection shall be available

**Action:** \$200 Civil Penalty

**Respondent:** Rose Mortuary, Inc., Knoxville, TN

**Violation:** Strict specifications of price disclosures and current licenses available on premises for inspection

**Action:** \$600 Civil Penalty

**Respondent:** Patton Funeral Home, Cleveland, TN

**Violation:** Strict specifications of price disclosures

**Action:** \$400 Civil Penalty

**Respondent:** Roundtree, Napier & Ogilvie Funeral Home, Franklin, TN

**Violation:** Current licenses available on premises for inspection

**Action:** \$300 Civil Penalty

**Respondent:** Rucker Memorial Chapel, Inc., Murfreesboro, TN

**Violation:** Strict specifications of price disclosures

**Action:** \$300 Civil Penalty

**Respondent:** Cryer Funeral Home, Obion, TN  
**Violation:** Strict specifications of price disclosures and records subject to inspection shall be available  
**Action:** \$400 Civil Penalty

**Respondent:** Sledge Funeral Home, Fayetteville, TN  
**Violation:** Strict specifications of price disclosures  
**Action:** \$400 Civil Penalty

**Respondent:** Currie's Funeral Home, Henning, TN  
**Violation:** Strict specifications of price disclosures  
**Action:** \$200 Civil Penalty

**Respondent:** Currie's Funeral Home Alamo, Alamo, TN  
**Violation:** Strict specifications of price disclosures and current licenses available on premises for inspection  
**Action:** \$500 Civil Penalty

**Respondent:** Sellars Crematory Service, Lebanon, TN  
**Violation:** Written receipt of human remains for cremation  
**Action:** \$250 Civil Penalty

**Respondent:** Higgins Funeral Home, Fayetteville, TN  
**Violation:** Strict specifications of price disclosures and strict specifications on authorization form for cremation  
**Action:** \$600 Civil Penalty

**Respondent:** Gallant-Riverview Funeral Home, Inc., Fayetteville, TN  
**Violation:** Strict specifications of price disclosures  
**Action:** \$250 Civil Penalty

**Respondent:** Dyer Funeral Home, LLC, Cookeville, TN  
**Violation:** Strict specifications of price disclosures  
**Action:** \$500 Civil Penalty

**Respondent:** Taylor Funeral Home of Chattanooga, Inc., Chattanooga, TN  
**Violation:** Strict specifications of price disclosures  
**Action:** \$500 Civil Penalty

**Respondent:** Yarbrough Funeral Home, Inc., Ripley, TN  
**Violation:** Strict specifications of price disclosures and current licenses available on premises for inspection  
**Action:** \$300 Civil Penalty

**Respondent:** Affiliated Crematory, Nashville, TN  
**Violation:** Written receipt of human remains for cremation and strict specifications for operation of a licensed crematory facility  
**Action:** \$500 Civil Penalty

**Respondent:** Blakemore Funeral Home, Shelbyville, TN  
**Violation:** Full-time manager, strict specifications of price disclosures and current licenses available on premises for inspection  
**Action:** \$400 Civil Penalty

A motion was made by Mr. Buckner to accept the above referenced Consent Orders and Civil Penalties.

Seconded by Mr. Murphy

Adopted by voice vote

A motion was made by Mr. Buckner that the Board not meet during the month of July 2005.

Seconded by Mr. Foster

Adopted by voice vote

A motion was made by Mr. Buckner to adjourn.

Seconded by Ms. Helling

Adopted by voice vote

There being no further business, the meeting adjourned at 10:45 a.m.

Respectfully submitted,

*Robert B. Gribble*

Robert B. Gribble  
Executive Director